



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

P

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,674	02/21/2001	Sergey N. Razumov	59036-014	6036
7590	02/03/2006	EXAMINER		
MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			FADOK, MARK A	
ART UNIT			PAPER NUMBER	
			3625	

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/788,674	RAZUMOV, SERGEY N.	
	<b>Examiner</b> Mark Fadok	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,  
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 21 November 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 24-28,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 24-28,33 and 34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Response to Election***

The examiner is in receipt of applicant's response to Office Action mailed 9/29/2006, which was received 11/21/2005. Acknowledgement is made to the amendment to claims 24-27, leaving claims 24-28,33 and 34 as pending in the instant application. The examiner has carefully considered the applicant's amendment and remarks and finds them convincing. However, after further searching a new grounds of rejection follows:

**Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 24-26,33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain (5,158,155) in view of Eckelt (US 5,206,642).**

In regards to claim 24, Domain discloses a system for selling goods having multiple purchase obtaining facilities for enabling customers to obtain pre-ordered purchases, at least one of the purchase obtaining facilities (col 2, lines 32-40) comprises:

multiple purchase pick-up points (col 2, lines 32-40), and

Domain teaches a pickup station where ordered products can be picked up (abstract) and also teaches an inputting means (FIG 6). Domain, however, does not specifically mention that there is a control system for receiving ID data and automatically assigning a purchase pick up point. Eckelt teaches automatically providing an assigned parking space to a user after ID information is supplied to a control unit (col 4, lines 12-31). It would have been obvious to a person having ordinary skill in the art at the time of the invention to automatically provide an assigned parking space to a user after ID information is supplied to a control unit as taught by Eckelt, because this would

provide an efficient means for gathering data about the person and assure that the user has proper access to the pre-purchased products (Eckelt, col 2, lines 1-8)

**In regards to claim 25,** Domain teaches wherein the identification station is configured for providing the customer with information identifying the specific purchase pick-up point assigned to the customer (col 2, lines 40-45, and Eckelt, col 4, lines 10-30).

**In regards to claim 26,** Domain teaches wherein the control system is responsive to the ID data for issuing a request to collect the pre-ordered purchase for delivery to the purchase pick-up point assigned to the customer (col 8, lines 5-15 and Eckelt, col 3, lines 30-50).

**In regards to claim 33,** Domain teaches wherein at least one of the purchase pick up points provides a purchase pick up arrangement movable within said at least one of the purchase obtaining facilities (col 2, lines 40-45, sines the warehouise facility (purchase obtaining facility) can designate anyone of a plurality of pick up stations, purchase pickup “arrangement” is movable from one pick up point to another).

**In regards to claim 34,** Domain teaches wherein an arrangement for delivery a purchaser to the customer from a storage area of said at least one of the purchase obtaining facilities is used a said purchase pick up arrangent (see response to claim 33)

**Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domain, in view of Eckelt (US 5,206,643) and further in view of Joseph (5,635,906).**

In regards to claims 27 and 28, Domain teaches picking up orders that are assembled by a third party, but does not specifically mention that the old and well known process of inspecting the package to assure that all the items have been correctly packaged for pick-up is present. Joseph teaches using a weight system to assure that all the products have been provided to the customer (abstract). It would have been obvious to include in Domain the use of the weight system as taught by Joseph, because this is a quick and efficient method to assure that all the ordered products have been included in the package for pick-up, thus quickly moving the customer from the lane so that another customer can use it for pick-up.

### ***Response to Arguments***

Applicant's arguments with respect to claims 24-28,33 and 34 have been considered but are moot in view of the new ground(s) of rejection.

Further, in regards to applicant's arguments concerning the applicant's claim to the statement "to increase throughput of the purchase obtaining facility when the customer arrives to pick up a pre-ordered purchase". This is a benefit and not considered to have patentable weight since it does not impart any functionality thus this

limitation is considered to be non-functional descriptive material (see MPEP 2106(b) and is therefore not considered to provide patentable distinction.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

***Commissioner for Patents***

**P.O. Box 1450**

**Alexandria, Va. 22313-1450**

or faxed to:

**(571) 273-8300** [Official communications; including

After Final communications labeled

"Box AF"]

**(571) 273-6755** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]



Mark Fadok

Primary Examiner